

# REPORT TO COUNCIL



**Date:** January 12, 2021

**To:** Council

**From:** City Manager

**Department:** Development Planning Department

**Application:** DP20-0011 / DVP20-0013      **Owner:** 1157695 B.C. LTD., INC.NO. BC1157695

**Address:** Leon Ave 234-278 and Water St 1620-1660      **Applicant:** Anthony Beyrouti

**Subject:** Development Permit and Development Variance Permit

**Existing OCP Designation:** MXR – Mixed Use (Residential / Commercial)

**Existing Zone:** C7 – Central Business Commercial

## 1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP20-0011 for:

- Lot 4, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 266 Leon Ave, Kelowna, BC;
- Lot 5, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 264 Leon Ave, Kelowna, BC;
- Lot A, District Lot 139, Osoyoos Division Yale District, Plan 22722 located at 1660 Water St, Kelowna, BC;
- North ½ Lot 2, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 1630 Water St, Kelowna, BC;
- South ½ Lot 2, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 1630 Water St, Kelowna, BC;
- North ½ Lot 1, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 1620 Water St, Kelowna, BC;
- South ½ Lot 1, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 1620 Water St, Kelowna, BC
- Lot 3, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 278 Leon Ave, Kelowna, BC;
- Lot 6, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 248 Leon Ave, Kelowna, BC;
- Lot 7, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 238 Leon Ave, Kelowna, BC; and

- Lot 8, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 234-236 Leon Ave, Kelowna, BC;

subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,";
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. That a Building Permit is not issued until the rear lane has a public statutory right-of-way registered on the northern 0.8 metres of the lot.
4. That the Development Permit is not issued until the City and the applicant has resolved the proposed air space parcel accommodating the bridge across Leon Avenue.
5. That a Building Permit is not issued until the modified compact stalls are labelled and signed as "small vehicle parking only".

AND THAT Council authorize the issuance of Development Variance Permit DVP20-0013 for:

- Lot 4, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 266 Leon Ave, Kelowna, BC;
- Lot 5, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 264 Leon Ave, Kelowna, BC;
- Lot A, District Lot 139, Osoyoos Division Yale District, Plan 22722 located at 1660 Water St, Kelowna, BC;
- North ½ Lot 2, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 1630 Water St, Kelowna, BC;
- South ½ Lot 2, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 1630 Water St, Kelowna, BC;
- North ½ Lot 1, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 1620 Water St, Kelowna, BC;
- South ½ Lot 1, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 1620 Water St, Kelowna, BC
- Lot 3, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 278 Leon Ave, Kelowna, BC;
- Lot 6, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 248 Leon Ave, Kelowna, BC;
- Lot 7, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 238 Leon Ave, Kelowna, BC; and
- Lot 8, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 234-236 Leon Ave, Kelowna, BC;

AND THAT the variances to the following sections of Zoning Bylaw No. 8000 be granted:

**Section 14.7.5 (b) – C7 – Central Business Commercial - Development Regulations**

To vary the maximum height from 76.5 metres (approx. 26 storeys) to 80 metres for Tower 'A' (24 storeys), 135.0 metres for Tower 'B' (42 storeys), and 92.0 metres for Tower 'C' (28 storeys).

**Section 8 – Parking and Loading - Table 8.2.7 (b) Ratio of Parking Space Sizes**

To vary the maximum small vehicle stall size from 0.0% to 3.3% (24 stalls).

**Section 8 – Parking and Loading - Table 8.5 Minimum Bicycle Parking Required**

To vary the minimum amount of short-term bicycle parking stalls from 122 stalls to 28 stalls.

AND THAT the Development Permit and Development Variance Permit is issued subsequent to the outstanding conditions set out in Attachment "A" attached to the Report from the Development Planning Department dated February 6<sup>th</sup> 2020.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit applications in order for the permits to be issued;

AND FURTHER THAT this Development Permit and Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

## 2.0 Purpose

To consider a form and character Development Permit for a mixed used development consisting of three residential towers, commercial office space in the podium of Tower 'C', and ground floor commercial retail and to consider a development variance permit to increase the maximum tower height and to reduce the minimum short-term bicycle parking stalls and to increase the proportion of small vehicle stall spaces.

## 3.0 Development Planning

Staff have reviewed the development proposal against the City's development permit guidelines, relevant zoning regulations, and best practices in urban design. Staff acknowledge the City's growth strategy that will result in tens of thousands of more residents arriving to Kelowna over the coming decades and a growth boundary that directs that development to urban centres and most prominently the Downtown. The development proposal has pros and cons. Staff have tried to consider the implications of the proposed trade-offs and are recommending an outcome that prioritizes achieving the most important planning principles.

The applicant is proposing a mixed-use project consisting of 650 residential condominiums with a variety of unit types including 50 three-bedroom units, ground floor commercial on all street frontages and a small component of commercial office space. The project is designed at the maximum land use density within the zoning bylaw with a 9.0 Floor Area Ratio (FAR).

The proposal includes three relatively slender towers that are situated on top of a larger five-storey parking podium at-grade that primarily provides the required parking stall numbers as per City regulations. The three proposed tower building footprints, known as *tower floorplates* range between 550 m<sup>2</sup> and 770 m<sup>2</sup> and are within acceptable range of the City's urban design guidelines and best practices in urban design. Coupled with meeting the *tower separation* regulation of 30.0 m, these two urban design metrics indicate that there should be acceptable light penetration levels, access to sky views and limited shadowing on the sidewalks and surrounding properties.



Fig 1.1 – Project rendering along Water Street elevation

The three proposed tower building footprints, known as *tower floorplates* range between 550 m<sup>2</sup> and 770 m<sup>2</sup> and are within acceptable range of the City's urban design guidelines and best practices in urban design. Coupled with meeting the *tower separation* regulation of 30.0 m, these two urban design metrics indicate that there should be acceptable light penetration levels, access to sky views and limited shadowing on the sidewalks and surrounding properties.

The massing and public view of the five-storey parking podium is a concern to staff especially along the Leon Avenue elevation that extends approximately 125 metres in length without any significant break in the form. In order to maintain the parking numbers and attempt to address staff's issues, the applicant proposed several design strategies including:

- The inclusion of commercial retail spaces at-grade along all street frontages to help engage and animate the public spaces consistent with zoning regulations.
- To help mitigate the negative impact of a structured parkade on the second to fifth floors, the applicant is proposing an architectural treatment of a large polycarbonate screen that extends across the entire length of the parkade. While iconic in nature, the proposed treatment lacks human-scaled proportions and may further accentuate the long block length and overall mass creating a dominating and imposing experience for the pedestrian at-grade. The design of the Water Street elevation is stronger as the applicant has included a pedestrian overpass as an interesting sub-form breaking up the mass of the parkade. This elevation also benefits from shorter building lengths along Water Street and Leon Avenue forms an effective break in massing between the two sides of the project.
- The height of the parking podium meets the zoning regulations for maximum height before a *significant setback of 16.0m*.



*Fig 1.2 – Leon Avenue Elevation showing the polycarbonate screen and overall mass of the parking podium*

Overall, Staff are recommending support for the project due to its ability to deliver a significant amount of residential density to the Downtown including a mixture of residential unit types. The project should help lead revitalization efforts along the Leon Avenue corridor and hopefully will trigger further positive investment and redevelopment. The commercial spaces should act not only to provide an amenity and service to residents but also add to the overall vibrancy of the Downtown. While the podium design has some concerns and limitations for form and character, the higher-level sustainability objectives are recommended to be prioritized. Ultimately, the proposal delivers on the three key principles outlined in the City's Downtown Plan (2012): attract people to downtown, increase sense of safety and attract private sector investment.

### 3.1 Development Variance Permit

The proposal requires five variances to the Zoning Bylaw:

1. A variance to increase the maximum height from 76.5 m (approx. 26.0 storeys) to 80 m (24 storeys) for Tower 'A'.
2. A variance to increase the maximum height from 76.5 m (approx. 26.0 storeys) to 135 m (42 storeys) for Tower 'B'.
3. A variance to increase the maximum height from 76.5 m (approx. 26.0 storeys) to 92 m (28 storeys) for Tower 'C'.
4. A variance to increase the maximum modified compact car stalls size from 0.0% to 3.3% (24 stalls).
5. A variance to decrease the minimum short-term bicycle stalls from 122 stalls to 28 stalls.

The OCP encourages high density commercial and residential living in the downtown in order to limit growth on the periphery of the community, increase efficiency of municipal services and infrastructure, and increase downtown's vibrancy. The Official Community Plan and the Zoning Bylaw designate this site and surrounding area as the location in which the tallest buildings in the City of Kelowna are permitted. The merits of increasing the maximum height limit of the residential towers on the subject property is as follows:

1. The redevelopment proposal is located on a street that has declined over the years and could use revitalization;
2. The location is outside the cultural / historical sensitivities along the first three blocks of Bernard Avenue to Ellis Street and/or immediately adjacent to the waterfront.
3. The tall buildings will be a striking element to the downtown and will create more North / South height balance considering the tall buildings of One Water in the north.
4. Tower floorplates and separation distancing are appropriate in context; and
5. All the statistics derived from the total commercial floor area, office floor area, and number of residential units are within the maximums outlined within the Zoning Bylaw including the total number of vehicular parking spaces and number of bicycle parking spaces (except short term bicycle parking).

The short-term bicycle parking spaces has been varied with many other downtown tower projects. As Staff are currently working on a Zoning Bylaw rewrite, the short-term bicycle parking stalls will be proposed to be reduced for projects of these scale. Staff are comfortable with the total amount of bicycle parking for short-term stalls proposed for this project (28 stalls) and feel that it will meet the estimated demand generated by the project for short-term bicycles.

The original design proposals had parking variances to the total number of vehicle parking stalls and Staff would only recommend support if the variances were eliminated. The applicant revised the floor plans to reduce the number of dwelling units from 732 dwelling units to 650 dwelling units. This change allowed the proposed parking to align with the total number of residential units with the exception of the provision of 24 below sized parking stalls. Staff can accept this variance as the widths of the parking stalls are not being varied just the length. The reason the length had to be reduced is the Traffic Impact Assessment and Development Engineering requirement for functional lanes recommended 0.8 metres widening off the rear lane along the ground floor. This widening on the ground floor trigger the first-floor parking stalls to be shorter than minimum. Staff feel this can be accepted as long as the applicant labels the stalls 'small vehicle parking only' for public transparency.

#### 4.0 Proposal

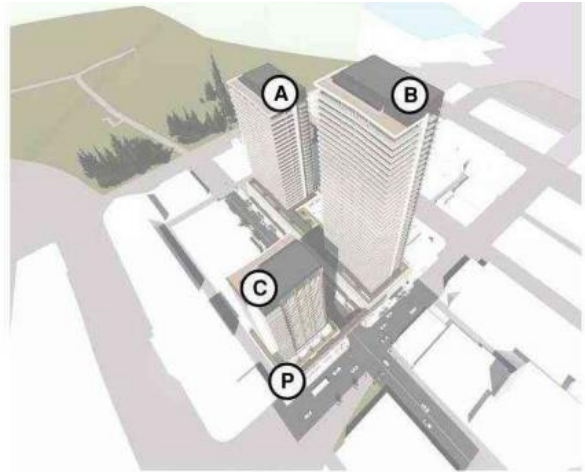
#### 4.1 Project Description

The proposal is to build a mixed-use development with 3 towers (650 market residential dwelling units, ground floor commercial retail space, and commercial office space within the podium of Tower 'C') at 234-278 Leon Ave, 1620-1630 Water Street and 1660 Water Street.

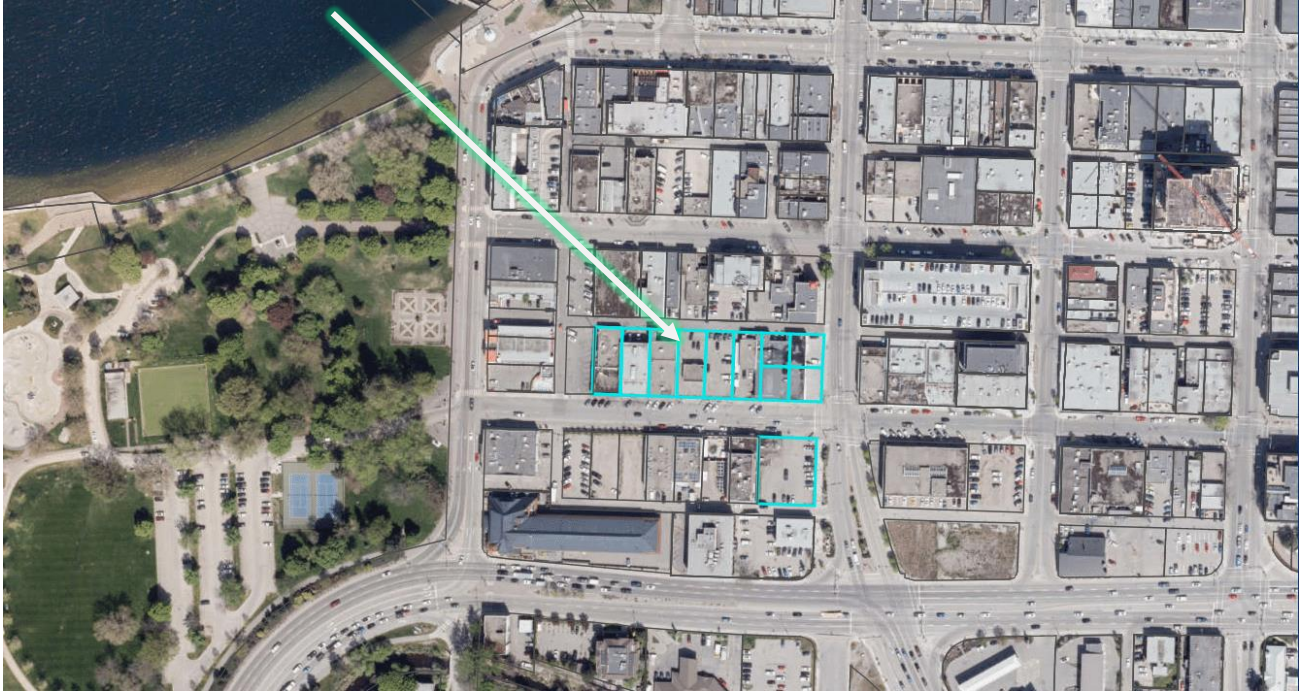
A new mass timber pedestrian bridge is proposed to connect both sites across Leon Avenue; providing joint access to parking. Parking (727 stalls) are provided for both sites on the north side of Leon Ave with one level underground and the remaining above grade in a 5-storey podium. The parking structure is concealed by a double height commercial retail space on the ground floor and a gently curving mass timber (glulam) and polycarbonate external screen. The open parking structure will allow light to wash through the mass timber supporting structure and polycarbonate screen; providing a glowing feature to the streetscape below.

Angled parking on the north side of Leon Avenue is replaced with parallel parking (similar to the south side of the street); this allows a more generous pedestrian-oriented streetscape with an additional bike lane. Greening of the street will act as a natural gateway to City Park and the waterfront. A continuous CLT (cross laminated timber) canopy at street level provides protection from the elements; activities within the building are visible through the glazed façade to activate the street (eyes on the street for security).

Towers 'A' and 'B' are oriented East West with a slight v shaped deck articulation to accentuate the slender form as seen from Harvey Avenue. The translucent glass guards on the tower balconies provide a sculptural aesthetic while minimizing the visual impact of one's possessions. This proposal will be a positive contribution to our community by allowing more housing and commercial opportunities and allowing densification in an area which is within the downtown core and its associated amenities. This project is close to bike and walking trails and a viable alternative to urban sprawl and hope for a reduction in vehicular reliance.







4.2 Zoning Analysis Table

Zoning Analysis Table						
CRITERIA	C7 ZONE REQUIREMENTS		PROPOSAL			
For portion of building between 0.0 metres & 16.0 metres in height						
Front, Flanking, & Lane Setback	0.0 m		0.0 m			
For portion of building between 16.0 metres & above in height						
			Podium	Tower 'A'	Tower 'B'	Tower 'C'
Front Yard Setbacks (Leon Avenue)	3.0 m		n/a	6.4 m	6.4 m	3.0 m
Flanking Street Setbacks (Water Street)	3.0 m		n/a	n/a	3.0 m	3.0 m
West Side Yard Setbacks	4.0 m		n/a	4.0 m	n/a	4.0 m
Lane Setbacks	3.0 m		n/a	5.8 m	5.8 m	4.0 m
Floorplate	1,221 m <sup>2</sup>		n/a	Approx. 770 m <sup>2</sup>	Approx. 770 m <sup>2</sup>	Approx. 565 m <sup>2</sup>
Development Regulations						
Height	Podium	Tower	Podium	Tower 'A'	Tower 'B'	Tower 'C'
	16.0 m / approx. 4.5 stories (unless Bldg steps back)	76.5 m / approx. 26.0 storeys	16.0 m / 5 storeys	80 m (24 storeys) ❶	135 m (42 storeys) ❷	92 m (28 storeys) ❸
Corner Cut Setback	4.5 m		4.5 m			
FAR	9.0		9.0			
Parking Regulations						
Minimum Parking Requirements	<b>RESIDENTIAL BASE PARKING REQUIRED:</b> 0.9 PER 1 BR UNIT (316 UNITS) = 284 1.0 PER 2 BR OR MORE UNIT (334 UNITS) = 334 0.14 PER UNIT VISITOR (650 UNITS) = 91 <b>SUB-TOTAL RESIDENTIAL REQUIRED = 709</b> <b>(TOWER 1 = 170, TOWER 2 = 368, TOWER 3 = 171)</b>  <b>COMMERCIAL: 0.9 PER 100 SM GFA = 36 STALLS,</b> HOWEVER, THESE STALLS GROUPED WITH VISITOR, THEREFORE NOT ADDED <b>TOTAL PARKING REQUIRED = 709 STALLS</b>		<b>TOTAL PARKING PROVIDED</b> REGULAR: 352 Stalls [6.0m X 2.5m or 6.0m X 2.7m next to columns] *REGULAR REDUCED*: 35 Stalls [5.2m X 2.5m or 5.2m x 2.7m next to columns] HC ACCESSIBLE STALLS: 16 Stalls [2.5m + 1.5m access X 6.0m] HC ACCESSIBLE VANS: 2 Stalls [3.3m + 1.5m access X 6.0m] SMALL CAR: 298 Stalls [4.8m X 2.3m or 4.8m X 2.5m next to columns] COMPACT (INCREASED WIDTH): 24 Stalls [3.4m X 2.5m]  <b>TOTAL: 352+35+16+2+298+24 = 727 STALLS</b>			
Ratio of Parking Stalls	Compact Size: 0% Max Small Size: 50% Max Regular Size: 50% Min		Compact Size: 3.3% (24 stalls) ❹ Small Size: 45.8% (333 stalls) Regular Size: 50.9% (370 stalls)			



Zoning Analysis Table		
CRITERIA	C7 ZONE REQUIREMENTS	PROPOSAL
Minimum Bicycle Parking Requirements	<p><b>LONG TERM RESIDENTIAL:</b>                      0.75 PER 2 BEDROOM OR LESS UNITS: <math>542 * 0.75 = 407</math>                      1.0 PER 3 BEDROOM OR MORE UNITS: <b>108</b>                      LONG TERM COMMERCIAL:                      1 PER 500SM GLA = <math>4046SM / 500SM = 8</math>                      THEREFORE, <math>407 + 108 + 8 = 523</math> <b>LONG TERM STALLS REQUIRED</b></p> <p><b>SHORT TERM RESIDENTIAL:</b>                      6/ENTRY + 1/5 UNITS ABOVE 70 =  <math>6 * 3 = 18 + 650 / 5 = 580 / 5 = 116</math>, THEREFORE <math>18 + 116 = 134</math>                      SHORT TERM COMMERCIAL:                      2/ENTRY (GREATER VALUE THAN 1/750SM) = <math>2 * 8 = 16</math>                      THEREFORE <math>134 + 16 = 150</math> <b>SHORT TERM STALLS REQUIRED</b></p>	<p><b>LONG TERM BIKE PARKING PROVIDED:</b>                      FLOOR MOUNTED: 199 STALLS (2 PER) = <b>398</b>                      WALL MOUNTED: 84 STALLS (2 PER) = <b>168</b>  <math>398 + 168 = 566</math> <b>LONG TERM STALLS PROVIDED</b>                      EXCESS LONG TERM BIKE PARKING = <math>566 - 523 = 43</math></p> <p><b>SHORT TERM BIKE PARKING PROVIDED:</b>                      FLOOR MOUNTED: <b>28</b>                      SHORTFALL OF <b>122</b> SHORT TERM BIKE PARKING ⑤</p>
Other Regulations		
Minimum commercial / lobby	Min 90%	➤ 90%
<p>① A variance to increase the maximum height from 76.5 m (approx. 26.0 storeys) to 80 m (24 storeys) for Tower 'A'.                      ② A variance to increase the maximum height from 76.5 m (approx. 26.0 storeys) to 135 m (42 storeys) for Tower 'B'.                      ③ A variance to increase the maximum height from 76.5 m (approx. 26.0 storeys) to 92 m (28 storeys) for Tower 'C'.                      ④ A variance to increase the maximum compact car stalls size from 0.0% to 3.3% (24 stalls).                      ⑤ A variance to decrease the minimum short term bicycle stalls from 122 stalls to 28 stalls.</p>		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### **Chapter 14: Land Use Designation Massing and Height.<sup>1</sup>**

- Mitigate the actual and perceived bulk of buildings by utilizing appropriate massing, including:
  - Architectural elements (e.g. balconies, bay windows, cantilevered floors, cupolas, dormers);
  - Visually interesting rooflines (e.g. variations in cornice lines and roof slopes);
  - Step back upper floors to reduce visual impact;
  - Detailing that creates a rhythm and visual interest along the line of the building;
  - Wall projections and indentations, windows and siding treatments as well as varied material textures should be utilized to create visual interest and to articulate building facades;
  - Building frontages that vary architectural treatment in regular intervals in order to maintain diverse and aesthetically appealing streets.

#### **Chapter 14: Tower Design.<sup>2</sup>**

- Design towers that are sited, shaped, and oriented along their longest axis in order to enhance the views to and through the skyline;
- Incorporate tower forms and the upper portions of buildings as integral yet distinct elements of the overall building design. Tower tops are encouraged to have trellising and roof projections that are fundamental expressions of the building structure and contain substantial landscaping;
- Evaluate tower buildings with respect to their compatibility with surrounding structures and contribution to the general skyline. Tower design should contemplate:
  - Colour, reflectivity, shape, materials, detailing, and ease of maintenance;
  - Generally, lighter-coloured buildings are preferred;
- Incorporate architecture that expresses a slender verticality, particularly in its upper elements. Design buildings greater than ten floors that are tall, slender towers rather than bulkier towers of the same floor space ratio;
- Design new buildings to take into account microclimatic effects, including shading of adjacent areas (i.e., reduce the casting of long shadows on high volume pedestrian areas) and wind tunneling;
- Integrate new developments with the established urban pattern through siting and building design by utilizing transitional structures, setbacks, landscaping, etc.;
- Enhance large, flat expanses of roof (whether actively used or not) with texture, colour, and/or landscaping where visible from above or adjacent properties;
- Enhance towers with elements such as gazebos, trellises, and pergolas providing visual interest and usability of rooftop spaces;
- Incorporate balconies into building design as outdoor rooms rather than as appendages to a building's mass. Recess balconies a minimum depth of 1m within the adjoining building face;
- Design podiums to provide an animated pedestrian environment with the use of street wall massing, articulation, and overall design. Podiums should highlight their active uses and disguise any parking or ancillary uses.

---

<sup>1</sup> City of Kelowna Official Community Plan, Chapter 14 Urban Design Development Permit Areas, Guidelines

<sup>2</sup> City of Kelowna Official Community Plan, Chapter 14 Urban Design Development Permit Areas, Guidelines

## 6.0 Application Chronology

Date of Application Received: March 4<sup>th</sup> 2019  
Date MOTI approved Traffic Study: March 5<sup>th</sup> 2020  
Date Public Consultation Completed: April 1<sup>st</sup> 2020

**Report prepared by:** Adam Cseke, Planner Specialist  
**Reviewed and Approved by:** Jocelyn Black, Urban Planning Manger  
Terry Barton, Development Planning Department Manager  
Ryan Smith, Divisional Director, Planning & Development Services

### Attachments:

Draft Development Permit and Development Variance Permit  
Attachment 'A' Development Engineering Memo  
Attachment 'B' Design Rationale  
Attachment 'C' Traffic Study